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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

KRAMER, JAMES A

ART UNIT PAPER NUMBER

3627

DATE MAILED: 10/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/832,513

Applicant(s)

BUNDY ET AL.

Examiner

James A. Kramer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- ☐ Interview Summary (PTO-413) Paper No(s). ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Godin et al. (hereinafter Godin) in view of Walker et al. (hereinafter Walker).

Godin teaches a computer auction system that includes a registration of the purchaser and takes place as part of a pre-registration process. The invention includes connecting to financial institutions for confirmation of acceptable financial transaction of the purchase price (column 2; lines 20-32; pre-registration module with credit history check that servers a gatekeeper to a user's bidding qualification).

Godin further teaches a database computer accessible to allow selective retrieval of product information which includes: 1) a product description; 2) the quantity of the product to be auctioned; 3) a start price of the product; and 4) at least one product image (column 2; lines 41-47; description module).

Godin teaches E-mail confirmation sent by the mail server to the user (column 7; lines 31-32; notification module)

Examiner notes that while the invention of Godin teaches as the preferred embodiment a reverse action process, Godin also teaches that the standard auction process involves users

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bidding for a particular product and the product is sold to the highest bidder. This type of auction would be used to provide users with familiarity and comfort in terms of them being able to participate in an auction they are used to. Therefore It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a registration means serving as a gatekeeper, maintain a database with product data and have a notification module to notify users when they have bid successfully as taught by Godin in a normal (high bidder wins) auction in order for users to feel comfortable in an auction they have used before (bidding module).

Godin also teaches a search feature by which the user can explore different product categories (column 5; lines 24-25) and within each category the user can search the particular product as well as a brief or complete description of the product (column 5; lines 34-35) (merchandise locator module).

Godin does not teach an assurance module for conducting a presale inspection and generating an inspection report with warranty. Walker teaches a conditional purchase offer management system which includes an authentication step before completing a transaction. The authentication step of Walker includes forwarding the item for sale to an authenticator for evaluation. The authenticator validates, authenticates and guarantees the goods (column 3; lines 39-50). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the auction system of Godin to include sending the item for auction to an authenticator to validate, authenticate and guarantee the item for sale, as taught by Walker in order to assure the accuracy of the item for sale.

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Godin does not teach using the auction system specifically for the sale or heavy equipment items. Examiner takes Official Notice that the auctioning of heavy equipment items is old and well known in the art as a way for companies to either off load equipment they no longer need or for a company to acquire a piece of equipment they need at a reduced cost. Therefore, It would have been obvious to a person of ordinary skill in the art at the time the invention was made to used the auction system of Godin to auction heavy equipment items in order for companies to either off load equipment they no longer need or to acquire they need at a reduced cost.

Conclusion


Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (703) 305-5241. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (703) 305-4716. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

JAK


Richard Chilcot
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3627

James A. Kramer
Examiner
Art Unit 3627